

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

## ORDER

This matter is before this court for review of the Memorandum Opinion and Recommendation ("Recommendation") filed on January 31, 2022, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 18.) In the Recommendation, the Magistrate Judge recommends that Plaintiff's Motion to Reverse the Decision of the Commissioner of Social Security, (Doc. 12), be denied, that Defendant's Motion for Judgment on the Pleadings, (Doc. 15), be granted, and that this action be dismissed with prejudice. (See Doc. 18 at 14.) The

<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Recommendation was served on the parties to this action on January 31, 2022. (Doc. 19.) Counsel for Plaintiff filed timely objections, (Doc. 20), to the Recommendation, and Defendant responded to Plaintiff's objections, (Doc. 21).

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 18), is **ADOPTED**. **IT IS FURTHER ORDERED** that Plaintiff's Motion for Judgment Reversing the Decision of the Commissioner of Social Security, (Doc. 12), is **DENIED**, that Defendant's Motion for Judgment on the Pleadings, (Doc. 15), is **GRANTED**, that the Commissioner's decision is **AFFIRMED**, and that this action is **DISMISSED** with prejudice.

A judgment dismissing this action will be entered contemporaneously with this Order.

This the 21th day of March, 2022.

William L. Osten, Jr.  
United States District Judge